



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Dr. Geo. W. Cox
State Health Officer
Austin, Texas

Dear Sir:

Opinion No. O-1192

Re: Can individuals or auctioneers selling
their own private bedding dispose of
same without labeling and tagging the
article under Senate Bill No. 200?

Your request for an opinion of this department
as to whether individuals or auctioneers selling their
own private bedding and mattresses can dispose of these
mattresses or bedding without labeling and tagging the
article as required in Section 2 and Section 7 of Senate
Bill No. 200, has been received by this department.

We think it unnecessary to quote Sections 2 and
7 of Senate Bill No. 200, which require that no person
shall manufacture, renovate, sell or lease, or have in
his possession with intent to sell or lease, any bedding
covered by the provisions of this Act, unless there be
affixed a tag and stamp as required by the terms of this
Act.

We think your question is clearly answered by
Section 11 of Senate Bill No. 200. This section lists
the exceptions to the requirements of this Act.

Section 11. - EXCEPTIONS; The provisions
of this Act shall apply to all bedding manufact-
ured, repaired, renovated and/or sold after the
effective date hereof; but the same shall not
apply to bedding which has been manufactured,
repaired or renovated prior to the effective
date hereof."

Section 9 of this Act provides for a penalty of
a fine of not less than \$50. and not more than \$100. for

Mr. Geo. W. Cox, page 2

each offense in violation of this Act.

The bedding manufacturers and renovators must comply with the law after the effective date and place the required tag and adhesive stamp upon all bedding manufactured and renovated as required by the terms of this law. In the event they fail to comply with the requirements of this Act, they will be subject to the penalties provided in Section 9 of this bill.

All other bedding or materials covered by the terms of this Act and manufactured prior to the effective date may be sold by an auctioneer or an individual without violating the terms of this law.

You are hereby advised that Section 11 of Senate Bill No. 200 specifically exempts from terms of this Act all bedding which has been manufactured, repaired or renovated prior to the effective date of the Act.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Morris Hodges*
Morris Hodges
Assistant

MH:ob

APPROVED AUG 10, 1939

Gerard B. Mann
ATTORNEY GENERAL OF TEXAS

